

## Message Text

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ORIGIN EB-07

INFO OCT-01 COME-00 ISO-00 EUR-12 DODE-00 NSAE-00  
USIA-06 TRSE-00 ERDA-05 CIAE-00 ITC-01 EA-07  
ACDA-07 SP-02 L-03 /051 R

DRAFTED BY:EB/ITP/EWT:BSAMUEL  
APPROVED BY:EB/ITP/EWT:WAROOT  
COMMERCE/OEA:JSHEPARD  
-----087386 071614Z /44

R 062120Z JUL 77  
FM SECSTATE WASHDC  
TO AMEMBASSY PARIS  
INFO AMEMBASSY ROME

C O N F I D E N T I A L STATE 156787

USOECD-EXCON

(CORRECTED COPY PARAGRAPH A, LINE 7)

E.O. 11652: XGDS-1

TAGS: ESTC, COCOM, EEWT

SUBJECT: ITALIAN MEMO RE TECHNOLOGY RELATED TO EMBARGOED  
PRODUCTS

REF: PARIS 18193, COCOM DOC CONTROL (77) 3B

1. SUGGEST USDEL SUBMIT FOLLOWING REPLY TO ITALIAN REQUEST  
AS TO HOW WE REFLECT IN TARIFF ENTRY NOMENCLATURE TECH-  
NOLOGY CONCERNING COCOM LISTED COMMODITIES:

A. U.S. PROCEDURES FOR CONTROLLING THE TRANSFER OF  
TECHNOLOGY DO NOT USE TARIFF NOMENCLATURE FROM THE U.S.  
TARIFF SCHEDULE (REFERRED TO AS SCHEDULE A), NOR NOMENCLA-  
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TURE FROM THE BUREAU OF CENSUS' STATISTICAL CLASSIFICATION  
OF DOMESTIC AND FOREIGN COMMODITIES EXPORTED FROM THE U.S.  
REFERRED TO AS SCHEDULE B). INSTEAD THE U.S. TECHNICAL  
DATA CONTROLS SET FORTH IN U.S. EXPORT ADMINISTRATION  
REGULATIONS SPECIFY THAT ALL U.S. EXPORTS OF TECHNICAL  
DATA TO COCOM-PROSCRIBED DESTINATIONS MUST BE MADE UNDER  
EITHER A GENERAL OR A VALIDATED LICENSE.

B. "TECHNICAL DATA" IS DEFINED BROADLY TO MEAN INFORMATION OF ANY KIND THAT CAN BE USED, OR ADAPTED FOR USE, IN THE DESIGN, PRODUCTION, MANUFACTURE, UTILIZATION, OR

RECONSTRUCTION OF ARTICLES OR MATERIALS. THE DATA MAY TAKE A TANGIBLE FORM, SUCH AS A MODEL OR PROTOTYPE (WHICH IS CONTROLLED BOTH AS TECHNICAL DATA AND ASSCOMMODITIES), BLUEPRINT, OR AN OPERATING MANUAL; OR THEY MAY TAKE AN INTANGIBLE FORM SUCH AS TECHNICAL SERVICE.

C. A GENERAL LICENSE IS AN OVERALL AUTHORIZATION ISSUED TO THE PUBLIC WHICH PERMITS SPECIFIC EXPORTS UNDER SPECIFIC CONDITIONS WITHOUT ADDITIONAL REFERRAL TO OR AUTHORIZATION FROM THE U.S. DEPARTMENT OF COMMERCE. THE FOLLOWING TYPES OF TECHNICAL DATA MAY BE EXPORTED UNDER GENERAL LICENSE:

(1) DATA THAT HAVE BEEN MADE GENERALLY AVAILABLE TO THE PUBLIC IN ANY FORM OR THAT MAY BE PURCHASED AT NOMINAL COST AS PUBLICATIONS (THE COST NOT RELATING TO THE INTRINSIC VALUE OF THE DATA); (2) SCIENTIFIC OR EDUCATIONAL DATA THAT ARE NOT DIRECTLY OR SIGNIFICANTLY RELATED TO DESIGN, PRODUCTION, OR UTILIZATION IN INDUSTRIAL PROCESSES; (3) DATA THAT ARE CONTAINED IN THE FOREIGN FILING OF A PATENT APPLICATION, PROVIDED THE DATA MEET CERTAIN CRITERIA ESTABLISHED BY THE U.S. PATENT OFFICE; AND (4) UNDER A SPECIAL TYPE OF GENERAL LICENSE, DATA THAT RELATE EITHER CONFIDENTIAL

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TO THE SALE OF A COMMODITY LICENSED FOR EXPORT FROM THE U.S. OR TO THE PROSPECTIVE OR ACTUAL OFFER TO SELL COMMODITIES NOT ON THE COCOM EMBARGO LIST, PROVIDED IN EITHER CASE THAT THE DATA DO NOT RELATE TO THE PRODUCTION, MANUFACTURE, OR CONSTRUCTION OF THE COMMODITIES IN QUESTION.

D. EXPORT OF ALL OTHER TYPES OF TECHNICAL DATA TO COCOM-PROSCRIBED DESTINATIONS IS SUBJECT TO VALIDATED EXPORT LICENSING PROCEDURES OF THE U.S. DEPARTMENT OF COMMERCE.

2. FYI. A REVIEW OF OUR RECORDS INDICATES THAT THE ITALIANS HAVE NOT PARTICIPATED IN PREVIOUS TECHNOLOGY TRANSFER DISCUSSIONS IN COCOM. OUR ONLY INFORMATION ON ITALIAN REGULATIONS DERIVES FROM A REPORT BY AMEMBASSY ROME IN 1973 (A-59), WHICH INDICATED THAT "ALL LICENSING REQUIREMENTS, CRITERIA, AND PROCEDURES WHICH APPLY TO GOODS IN THE TABELLA ESPORT ALSO APPLY TO PLANS, PROJECTS AND TECHNICAL DESIGNS RELATIVE TO ARMS, MUNITIONS AND SPECIAL MACHINERY INTENDED FOR THE PRODUCTION OF STRATEGIC MATERIAL." THE ITALIAN TABELLA ESPORT IS NOT AN ALL-INCLUSIVE LIST OF COMMODITIES BUT A LIST OF COMMODITIES

FOR WHICH LICENSES ARE REQUIRED FOR EXPORT TO SINO AND SOVIET AREAS. THE TABELLA ESPORT WAS MOST RECENTLY MODIFIED BY MINISTERIAL DECREE IN JANUARY 1976. END FYI.

3. DEPARTMENT VIEWS SCHEDULED DISCUSSION OF ITALIAN MEMO AS AN OPPORTUNITY TO RAISE AGAIN THE ISSUE OF COCOM-

NATIONS' REGULATIONS CONTROLLING TECHNOLOGY TRANSFER. TEN YEARS AGO THE U.S. PROPOSED THAT COCOM ESTABLISH AN INVENTORY OF NATIONAL PRACTICES AND THEIR RELATION TO COCOM PROCEDURES (DOC PROC(67)10, 6 DEC 1967). THE U.S. SUBMITTED A SERIES OF FIVE QUESTIONS. ONLY THE CANADIAN, BELGIAN, GERMAN AND BRITISH DELEGATES RESPONDED (DOCS CONFIDENTIAL

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PROC(67) 12, 13, 14 AND 15). THIS INFORMATION WAS UPDATED SOMEWHAT IN DOC SUB-C CONTR(76)1, 12-14 OCTOBER 1976, PP 40-44. USDEL IS REQUESTED TO EXPRESS CONTINUED U.S. INTEREST IN RECEIVING INITIAL OR UPDATED RESPONSES TO THESE QUESTIONS. VANCE

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## Message Attributes

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**TAGS:** ESTC, EEWT, US, COCOM  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009